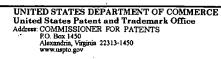


United States Patent and Trademark Office



PPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/078,670	(02/21/2002	Yasushi Nakayama	1155-0243P ₁	4533
2292	7590	08/25/2003			5
		KOLASCH & BI	EXAMI	EXAMINER	
PO BOX 74 FALLS CH		22040-0747		HARLAN, R	OBERT D
				ART UNIT	PAPER NUMBER
		•		1713	
				DATE MAILED: 08/25/2003	i

Please find below and/or attached an Office communication concerning this application or proceeding.

•					A	
Office Action Summary		Application No.		Applicant(s)	Applicant(s)	
		10/078,67	0	NAKAYAMA ET A	L. // /	
		Examin r		Art Unit	_//	
		Robert D.	Harlan	1713	•	
Period fe	The MAILING DATE of this communic	ation appears on th	cover she	et with th correspondence ad	dress	
A SH THE - Exte after - If the - If NC - Failu - Any	ORTENED STATUTORY PERIOD FO MAILING DATE OF THIS COMMUNIC nsions of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this communic period for reply specified above is less than thirty (30) period for reply is specified above, the maximum stature to reply within the set or extended period for	ATION. 37 CFR 1.136(a). In no evenication. days, a reply within the statutory period will apply and will, by statute, cause the appl	nt, however, m tory minimum l expire SIX (6) cation to beco	ay a reply be timely filed of thirty (30) days will be considered timely MONTHS from the mailing date of this co me ABANDONED (35 U.S.C. § 133).	/. mmunication.	
1)	Responsive to communication(s) file	d on				
2a)□	• • •	b) This action is	non-final			
3)[Since this application is in condition for closed in accordance with the practicion of Claims	for allowance except	for formal		e merits is	
4)🖂	Claim(s) 1-7 is/are pending in the app	olication.				
	4a) Of the above claim(s) 4-7 is/are wi	thdrawn from consid	leration.			
5)□	Claim(s) is/are allowed.					
6)🛛	Claim(s) <u>1-3</u> is/are rejected.					
7)	Claim(s) is/are objected to.			•	•	
	Claim(s) are subject to restriction Papers	on and/or election re	quirement			
9)□	The specification is objected to by the	Examiner.				
10)	The drawing(s) filed on is/are: a	a) accepted or b)	objected to	by the Examiner.		
	Applicant may not request that any object	ction to the drawing(s)	be held in a	abeyance. See 37 CFR 1.85(a).		
11)	The proposed drawing correction filed	on is: a)□ ap	proved b)	disapproved by the Examine	er.	
	If approved, corrected drawings are requ	ired in reply to this Of	ice action.			
12)	The oath or declaration is objected to b	y the Examiner.				
riority (ınder 35 U.S.C. §§ 119 and 120					
13)🛛	Acknowledgment is made of a claim for	or foreign priority un	der 35 U.S	s.C. § 119(a)-(d) or (f).		
a)	☑ All b)☐ Some * c)☐ None of:					
	1. Certified copies of the priority do	ocuments have been	received		,	
	2. Certified copies of the priority do	ocuments have bee	n received	in Application No		
* (3. Copies of the certified copies of application from the Internation of the attached detailed Office action	tional Bureau (PCT	Rule 17.2(a)).	Stage	
14) 🗌 A	acknowledgment is made of a claim for	domestic priority ur	der 35 U.S	S.C. § 119(e) (to a provisional	application)	
) \square The translation of the foreign lang Acknowledgment is made of a claim for					
\ttachmen	t(s)					
2) 🛛 Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTC nation Disclosure Statement(s) (PTO-1449) Pap	D-948) er No(s) <u>3.4</u> .		view Summary (PTO-413) Paper No(e of Informal Patent Application (PTG :		
Patent and T O-326 (Re	ademark Office v. 04-01)	Office Action Summary	,	Part of Paper No. 5		

Application/Control Number: 10/078,670

Art Unit: 1713

DETAILED ACTION

Claim Objections

1. Claims 4-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend upon another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-7 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Tohi et al., EP 0 924 223 A2 (hereinafter "Tohi"). Tohi teaches a catalyst comprising a transition metal compound comprising two or more heteroatoms, a Lewis acid, oxygen or nitrogen containing compound, and an inactivating

Application/Control Number: 10/078,670

Art Unit: 1713

compound species. See Tohi, Abstract; pages 2-35. Thus Tohi anticipates claims 1-3.

Conclusion

- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Harlan whose telephone number is (703) 306-5926. The examiner can normally be reached on Mon-Fri, 10 AM 8 PM.
- 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (703) 308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9559 for regular communications and (703) 872-9559 for After Final communications.
- 6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1495.

Robert D. Harlan Primary Examiner Art Unit 1713

rdh

August 8, 2003

Page 3